

REMARKS/ARGUMENTS

Claims 1, 4-6, 8, 10-11, 13, 15-16, 20, 23-29, 34-35 and 37-39 are in the present application, of which claims 1, 8, 15, 23, 28, 38 and 39 are independent. Claims 1, 4-6, 8, 10-11, 13, 15-16, 20, 23-29 and 34-35 are amended herein. Claims 2-3, 7, 9, 12, 14, 17-19, 21-22, 30-33 and 36 have been cancelled without prejudice. New claims 37-39 have been added. No new matter has been added.

Applicant thanks the Examiner for the thorough examination of the application. Applicant respectfully requests reconsideration and allowance of claims 1, 4-6, 8, 10-11, 13, 15-16, 20, 23-29 and 34-35. Applicant also requests consideration on the merits and allowance of newly added claims 37-39.

I. Drawings objected to under 37 CFR 1.83(a)

A new drawing sheet containing new FIGs. 8, 9 and 10 is added to comply with 37 CFR 1.121(d).

The new sheet containing FIGs. 8, 9 and 10 shows linear motors; (the rotary motor with) a belt; an extendable second support surface; a pair of armrests and a self-centering structure. This new sheet does not Add any new matter because the structure was claimed. The Examiner required the showing.

The following structures identified the by Examiner are cancelled from the claims: a rotary motor with a reversing mechanism and a smooth shaft; an auxiliary appliance, table, handle or guard, an actuator to treat abnormal spinal conditions; an inflatable pad; a swivel mechanism with two-axis pivots; a set of concave/convex spheres; a spring disposed between said module and said saddle, at actuator that is an air spring and an electric motor; a third heat-transmitter -- loaded; -- an ion generator -- said support.

The " a ball and a socket" is to remain in the claim because this is indicated as 42 in FIGs. 4 and 5.

II. Rejection of Claim 8 under 35 U.S.C. § 112 second paragraph

The Examiner has rejected claim 8 under 35 U.S.C. § 112, second paragraph, as being indefinite for the Examiner believes it does not particularly point out and distinctly claim the subject matter which Applicant regards as his invention. Applicant has amended claims 8 in response to the Examiner's reasons for rejecting them under 35 U.S.C. § 112, second paragraph.

The antecedent bases for "said support surface" is amended to "said first support".

Since claim 9 is cancelled herein, the rejection is now moot.

Claim 8 including claims 1, 4-6, 10-11, 13, 15-16, 20, 23-29 and 34-35 are amended to be distinct and appear to be supported by a clear and complete disclosure as Examiner suggested.

Currently amended claim 8 recites, in a relevant portion, "[a] hot-acupressure and massage machine comprising . . . a first support on said body for supporting the back of a human being; a second support for supporting the thighs; a third support for supporting the feet; a slot substantially centrally disposed in said first support, and, at least one heat-transmitter reciprocating in said slot, wherein said first support and said second support are rotatably mounted at said base frame; said third support is rotatably mounted at said second support; and each angular movement of said second support and said third support is provided by an actuator." Since claim 8 has been substantially amended herein, Applicant requests that the rejection of claims 8 under 35 U.S.C. § 112, second paragraph, be withdrawn and that they be allowed.

III. Rejection of Claims 1, 2, 4, 5, 6 under 35 U.S.C. 103(a) as being unpatentable over Lee '732 in view of Otuka et al.

Since claims 2 and 3 are canceled herein, their rejection is now moot.

Otuka teaches the height adjustment by a selection of the switch 83 and Lee would have two switches to reciprocate the "MEDICATOR". Neither one of these two teach a slidably positionable pillow that automatically stop and reverse the heat-transmitter at exact location of the movable pillow. Otuka does

not teach the exact position for the heat-transmitter to reverse but guess. Lee does not teach a pillow mounted on the support surface and any relationship between the "medicator" and the pillow.

Currently amended claim 1 recites, in a relevant portion, "at least one heat-transmitter disposed in and reciprocating in said slot; a first switch and a second switch to stop and reverse said heat-transmitter movement between a first position and a second position, and, a pillow disposed near said first position and movable parallel to said slot, wherein said first switch engages to said pillow." (Emphasis Added)

Regarding claim 6, the plate 400 is a structure on which the "MEDICATOR" is mounted, not a separate plate or a (floating) plate disposed between "medicators".

Currently amended claim 6 recites now, "The hot-acupressure and massage machine of claim 1, further comprising at least two saddles disposed in said slot, said heat-transmitter is mounted on said saddle, and a floating plate disposed between adjoining said saddles." (Emphasis Added)

Since claims 1, 4, 5, and 6 have been substantially amended herein, Applicant requests that the rejection of claims 1, 4, 5, and 6 under 35 U.S.C. § 101 be withdrawn and that they be allowed.

IV. Rejection of Claims 3 under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Splane, JR.

Since claim 3 is canceled herein, the rejection is now moot.

V. Rejection of Claims 7 under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Kume et al.

Since claim 7 is canceled herein, the rejection is now moot.

VI. Rejection of Claims 8, 9, 13, 14 under 35 U.S.C. 103(a) as being unpatentable over Lee '732 in view of Park '551.

Since claims 9, 14 are canceled herein, their rejection is now moot.

Park teaches a bed can be changed to be in the form of a conventional chair in figure 9, but does not disclose how. The specification starting 23rd line in paragraph [0030], in Applicant's application states, in a relevant portion, "Utilization of actuators may enable repeating clockwise and counter-clockwise directional angular movement of mats 11, 14, and 15 about pivots 12 and 13. This may provide treatment to the user's hip socket and leg joints - - - .", which is not disclosed by Park and is unique. This is further clear as shown in FIGs. 8-9.

Currently amended claim 8 recites, in a relevant portion, "a body, - - - generally a bed or a chair shape and mounted at a base frame; a first support - - - ; a second support - - - ; a third support - - - ; a slot - - - , and, at least one heat-transmitter reciprocating in said slot, wherein said first support and said second support are rotatably mounted at said base frame, said third support rotatably mounted at said second support, and each angular movement of said second support and said third support is provided by two separate actuators." Emphasis Added)

Currently amended claim 13 recites, "[the] hot-acupressure and massage machine of claim 8, further comprising one pair of armrests disposed at said base frame."

Since claim 13 had been substantially amended herein, and depend, directly or indirectly, from claim 8, they each incorporate all the terms and limitations of claim 8, in addition to other limitations, which together further patentably distinguish claim 13 over the cited references. Applicant requests that the rejection of claim 13 under 35 U.S.C. § 103(a) be withdrawn and that claim 13 be allowed.

VII. Rejection of Claims 10-12 under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 8 above, and further in view of Vianello et al.

Since claim 12 is canceled herein, the rejection is now moot.

Vianello teaches that an electric actuator is capable to

provide a chair position, a bed position and other positions in between, which shows not only the second support being fixedly mounted on a frame, but also the third support not being independently and rotatably adjustable with respect to the second support. Vianello also teaches "a third support", not a second support, being "linearly movable", not angularly movable, with respect to its base, which is not the angular movement nor has nothing to do with the second support.

As shown in FIGs. 1 and 2 in Applicant's drawing, the angular relationship among three supports is independently adjustable. These independent angular movements are not disclosed by either Vianello or Kim. Use of actuators to adjust each position of each support is also shown in FIGs. 8 and 9 in Applicant's drawing.

Currently amended claim 10 recites, in a relevant portion, "further comprising an extendable support which is movably mounted at said second support so as to accommodate different thigh lengths of users." (Emphasis Added)

Currently amended claim 11 recites, in a relevant portion, "said angular movement comprised of at least one of being repeating, being continuous or being discrete."

Since claims 10 and 11 depend, directly or indirectly, from claim 8, they each incorporate all the terms and limitations of claim 8 in addition to other limitations, which together further patentably distinguish them over the cited references. Therefore, Applicant requests that the rejection of claims 10 and 11 over Vianello et al. be withdrawn and that they be allowed.

VIII. Rejection of Claims 15-18, 20-22 under 35 U.S.C. 103(a) as being unpatentable over Lee '732 in view of Hotas.

Since claims 17-19, 21 and 22 are canceled herein, the rejection is now moot.

Examiner asserts, 'Hotas teaches using raised support(s) 61 disposed on the support surface so as to align a user on said support surface.' Fig. 5 of the referenced shows not only they are mounted not on the support surface but also the purpose of them are to retain a user. Line number 68, column 3 from the referenced

reads as, " - - - the backing plates 61 are then adjusted to retain the patient thereon."

Currently amended claim 15 recites, in a relevant portion, "two raised pads mounted oppositely with respect to said slot on said support surface, wherein said two raised pads are movable simultaneously to and away from said slot so as to align a user on said heat-transmitters." (Emphasis Added)

Currently amended claim 16 recites, in a relevant portion, " - - said two pads are movable together simultaneously by a self-centering structure." (Emphasis Added)

Currently amended claim 20 recites, in a relevant portion, " - - said two pads are movable by an actuator to treat abnormal spinal conditions such as scoliosis, spondylolisthesis, Kyphosis or lordotic by heat from said heat-transmitters and by force from said actuator." Since claims 16 and 20 depend, directly or indirectly, from claim 15, they each incorporate all the terms and limitations of claim 15, in addition to other limitations, which together further patentably distinguish claim 15 over the cited references. Since claims 15, 16 and 20 have been substantially amended herein, Applicant requests that the rejection of claims 15, 16 and 20 under 35 U.S.C. § 103(a) be withdrawn and that they be allowed.

IX. Rejection of Claim 19 under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 15 above, and further in view of Splane, JR.

Since claim 19 is canceled herein, the rejection is now moot.

X. Rejection of Claims 23-26 under 35 U.S.C. 102(b) as being clearly anticipated by Lee '732.

In rejecting these claims as being anticipated by Lee, the Examiner asserts, "Lee figure 5 teaches everything claimed including a compliant structure or actuator 11, 12 between the module "MEDICATOR" and saddle 20 to comply with the shape of human spine."

The FIG. 5 shows 11 as carrying bars and 12 as a jaw, which guides a moving plate on which a MEDICATOR is mounted. Applicant requests that the Examiner carefully read the reference. Lee

teaches the MEDICATOR is capable to comply with the shape of human spine in a vertical direction, and does not teach any angular compliance. Specification reads 11 and 12 as a carrying bar and a jaw (radially extended flange), respectively. Applicant does not agree with equating 11 and 12 as an actuator.

Currently amended claim 23 recites, in a relevant portion, "at least one heat-transmitter mounted on said saddle and movable in a perpendicular direction to said planar surface by at least one actuator, and, a compliant structure disposed in-between said heat transmitters and said saddle to allow said heat-transmitters to comply angularly with the shape of the human spine." (Emphasis Added)

Since amended claims 24-26 depend, directly or indirectly, from claim 23, they each incorporate all the terms and limitations of claim 23 in addition to other limitations, which together further patentably distinguish them over the cited references. Therefore, Applicant requests that the rejection of claims 23-26 over Lee '732 be withdrawn and that they be allowed.

XI. Rejection of Claim 27 under 35 U.S.C. 103(a) as being unpatentable over Lee '732.

Lee identifies item 40 in FIG. 5 as a spring, but the figure shows a compression coil type spring, which cannot be the obvious equivalent of an air spring because the spring force of the compression spring increases as it is compressed, while the air spring provides a constant selectable force.

Claim 27 is now amended and depends, directly or indirectly, from claim 23, it incorporates all the terms and limitations of claim 23 in addition to other limitations, which together further patentably distinguish them over the cited references. Therefore, Applicant requests that the rejection of claims 27 over Lee '732 be withdrawn and that they be allowed.

XII. Rejection of Claims 28-32 and 34-36 under 35 U.S.C. 102(e) as being anticipated by Kim '601.

Since claims 30-32 and 36 are canceled herein, the rejection is now moot.

The Examiner asserts that Kim teaches "a plurality of heat transmitters disposed in a module 110 and an actuator 460 that is adjustable to vary the force applied to the back of user." Kim does not disclose or teach any means or structure how to provide variable forces onto user's back. Paragraph [0051] in the reference reads, "- - - the rotary screw 491 is rotated by the driving motor 491, the foldable link 480 is folded internally as in the vehicle jockey method and is ascended. - - - ". A scissors jack is a device to support a load, and is not a device to provide a variable force.

Currently amended claim 28 recites, in a relevant portion, "- - a body, - - a support on said body - - having a planar surface; at least one saddle reciprocating inside of said slot; at least one heat-transmitter mounted on said saddle; an actuator, said heat-transmitter being connected to said actuator and movable in a perpendicular direction to said planar surface by said actuator, and, a force sensor disposed in-between said saddle and said heat-transmitters to allow a user to choose a proper compression onto his back." (Emphasis Added)

Since amended claims 29, 34 and 35 depend, directly or indirectly, from claim 28, they each incorporate all the terms and limitations of claim 28, in addition to other limitations, which together further patentably distinguish claim 28 over the cited references. Since claims 28, 19, 34 and 35 have been substantially amended herein, Applicant requests that the rejection of claims 15, 16 and 20 under 35 U.S.C. § 103(a) be withdrawn and that they be allowed.

XIII. Rejection of Claim 33 under 35 U.S.C. 103(a) as being unpatentable over Kim '601 in view of Lee'732.

Since claim 33 is canceled herein, the rejection is now moot.

XIV. Newly added claims 37 and 38

Claims 37 and 38 have been newly added herein.

Applicant request Examiner to allow claims 37 and 38 on the basis of the FIG. 5 in the current applicant. An appendix A is attached to clarify for this reason. A left-handed side drawing in the appendix is exactly the same as the original FIG. 5 showing the heat-transmitters 33 and 33' are at a raised position by pneumatic cylinders 56 and are above the main mat surface 11. An exactly copied right-handed side drawing from the left-handed side shows that the heat-transmitters 33 and 33' are pulled down by pneumatic cylinders 56 to a lowered position, which shows the heat-transmitters are below the main mat surface 11.

The newly added claim 37 recites, "[a] hot-acupressure and massage machine of claim 28, wherein said heat-transmitter moves from a lowered position to a raised position, and said lowered position is substantially below said planar surface."

The newly added claim 38 recites, in a relevant portion, " a least one heat-transmitter mounted on said saddle, and, at least one actuator, said heat-transmitter being connected to said actuator and movable in a perpendicular direction to said planar surface by said actuator, wherein said heat-transmitter moves from a lowered position to a raised position, and said lowered position of said heat-transmitters is substantially below said planar surface."

Since the cited references, either alone or together in any combination, do not disclose, teach or suggest at least the above features of claims 37 and 38, claims 37 and 38 are patentably distinguishable over the cited references. Therefore, Applicant requests that claims 37 and 38 be allowed.

XV. Newly Added Claim 39


The newly added claim 39 recites, in a relevant portion, " [a] hot-acupressure and massage machine comprising: a body, - - -; a support - - -; a slot - -; at least one saddle - - -; a least one heat-transmitter - - -, and at least one pneumatic cylinder, said heat-transmitter being connected to said pneumatic cylinder and movable in a perpendicular direction to said planar surface by said pneumatic cylinder, wherein said pneumatic cylinder capable to provide variable forces to allow a user to select a proper compression onto his back."


Since the cited references, either alone or together in any combination, do not disclose, teach or suggest at least the above features of claim 39, claim 39 is patentably distinguishable over the cited references. Therefore, Applicant requests that claim 26 be allowed.

XVI. Concluding Remarks

In view of the foregoing amendments and remarks, Applicant submits that claims 1, 4-6, 8, 10-11, 13, 15-16, 20, 23-29, 34-35 and 37-39 of the present application are in condition for allowance. Therefore, Applicant earnestly solicits a timely Notice of Allowance. If there are any remaining issues that can be addressed over the telephone, the Examiner is cordially invited to call Applicant's agent at the number listed below.

Respectfully submitted,


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